

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

J.C. OTIS COLLINS

PLAINTIFF

VS.

CASE NO. 4:06-CV-4104

NURSE PHILLIPS, WARDEN
GRIFFIN, NURSE NICHOLS,
and DR. STRINGFELLOW

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed July 30, 2008 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 45). Motions for Summary Judgment were filed on behalf of all named Defendants. Judge Bryant recommends that summary judgment be granted, and Plaintiff J.C. Otis Collins' *pro se* § 1983 civil rights complaint be dismissed as to Dr. Jerry Stringfellow and Warden Mike Griffin, but that motions for summary judgment filed on behalf of Nurse Phillips and Nurse Nichols be denied. Plaintiff Collins has responded with timely objections. (Doc. 46). After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

In his Objections to the Report and Recommendation, Collins states that he "somewhat agrees" that his claims against Dr. Stringfellow should be dismissed, due to the fact that Dr. Stringfellow has been Collins' doctor since Collins' release from custody and has provided him satisfactory treatment. (Doc. 46, pg. 1). Collins disagrees that his claims against Warden Griffin should be dismissed, since Griffin "was in charge and everyone there respected him as being in charge and they did what he said." (Doc. 46, pg. 1). However, as Judge Bryant correctly noted in his Report and Recommendation, supervisory authority cannot form the basis for liability in a § 1983 lawsuit, *see Monell v. New York City Dep't of Soc. Servs.*, 436 U.S. 658, 694, 98 S.Ct. 2018, 56

